

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Kim, *et al.*

APPLICATION No.: 09/875,453

FILED: June 6, 2001

FOR: **PROMOTERS FOR REGULATED GENE
EXPRESSION**

EXAMINER: Sandals, W.

ART UNIT: 1645

CONF. No: 7454

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition,

applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).


Respectfully submitted,

Date: April 30, 2004

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<div style="text-align: center;">  INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary) </div>				COMPLETE IF KNOWN	
				Application Number	09/875,453
				Confirmation Number	7454
				Filing Date	June 6, 2001
				First Named Inventor	Jungsuh P. Kim
				Group Art Unit	1645
Examiner Name	William O. Sandals				
Attorney Docket No.	54600-8135.US00				
Sheet	1	of	1		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		WO	00/52179		Genelabs Technologies, Inc.	09/08/2000		
		WO	01/94600		Genelabs Technologies, Inc.	12/13/2001		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.		T
		Hinz, M., et al., "NF-κB Function in Growth Control: Regulation of Cyclin D1 Expression and G ₀ /G ₁ -to-S-Phase Transition," <i>Mol. Cell. Biol.</i> 19:(4) 2690-2698 (1999).		
		Kitazawa, S., et al., "Transcriptional Regulation of Rat Cyclin D1 Gene by CpG Methylation Status in Promoter Region," <i>J. Biol. Chem.</i> 274:(40) 28787-28793 (1999).		
		Laurance, M.E., et al., "Specific down-regulation of an engineered human cyclin D1 promoter by a novel DNA-binding ligand in intact cells," <i>Nucleic Acids Res.</i> 29:(3) 652-661 (2001).		
		Lee, R.J., et al., "pp60 ^{v-src} Induction of Cyclin D1 Requires Collaborative Interactions between the Extracellular Signal-regulated Kinase, p38, and Jun Kinase Pathways," <i>J. Biol. Chem.</i> 274:(11) 7341-7350 (1999).		
		Shtutman, M., et al., "The cyclin D1 gene is a target of the β-catenin/LEF-1 pathway," <i>Proc. Natl. Acad. Sci. USA</i> 96:5522-5527 (1999).		
		Tetsu, O., et al., "β-Catenin regulates expression of cyclin D1 in colon carcinoma cells," <i>Nature</i> , 398:422-426 (1999).		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).	